



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

February 11, 2015

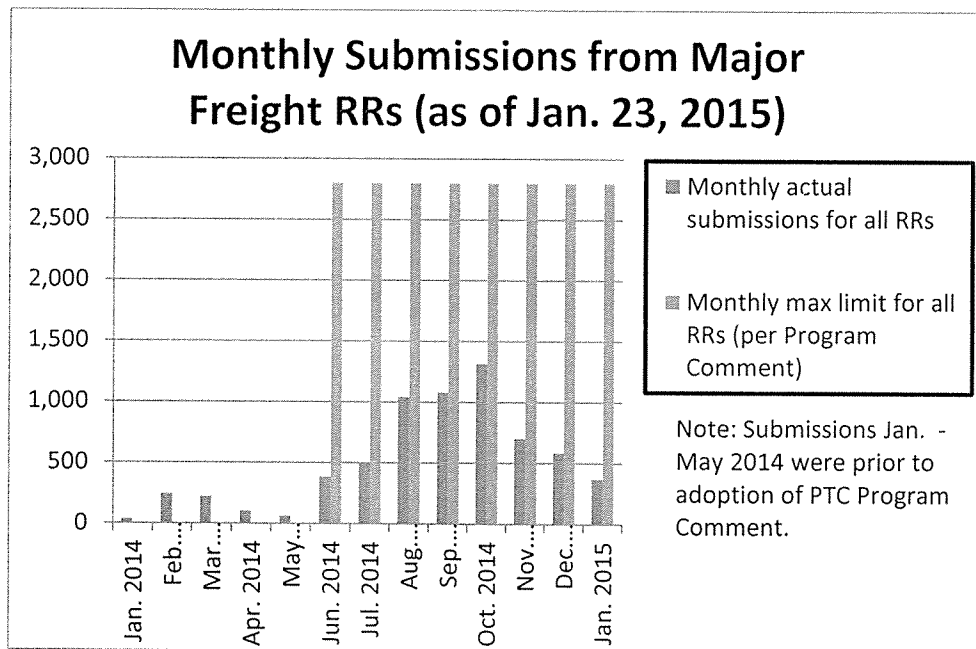
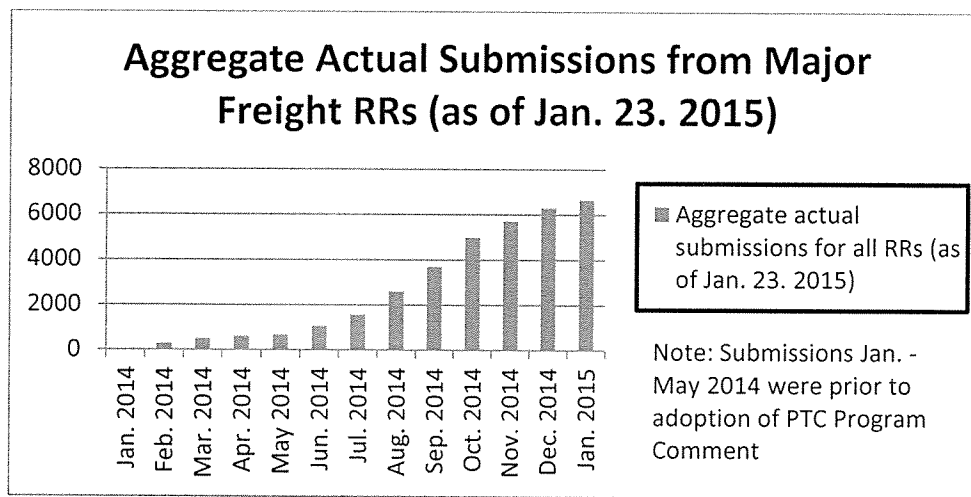
The Honorable Doris Matsui  
U.S. House of Representatives  
2434 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Matsui:

Thank you for your letter regarding Positive Train Control (PTC) and the status of the FCC's efforts to facilitate its implementation. As you know, PTC has the potential to save lives, prevent injuries, and avoid extensive property damage. Expediting PTC deployment remains one of the Commission's highest priorities, and we continue to devote substantial resources towards this goal. I am pleased to inform you that the FCC's capacity to review PTC poles has exceeded by a wide margin the number of poles the railroads have submitted for review.

On May 16, 2014, the Advisory Council on Historic Preservation voted to approve a "Program Comment" that modified and streamlined the FCC's standard procedures for conducting the historic preservation reviews required under the National Historic Preservation Act (NHPA). Concurrent with the approval of the Program Comment, the Commission entered into landmark agreements with each of the seven Class I freight railroads to address the issue of PTC facilities that may have been constructed without environmental and historic preservation reviews required under NHPA and the National Environmental Protection Act (NEPA). As a result of these agreements, the freight railroads were immediately able to start using nearly 11,000 previously constructed poles for PTC deployment. The agreements also require the railroads to provide substantial resources to Tribal Nations and State Historic Preservation Offices in support of historic preservation efforts throughout the country.

Since implementing the new procedures authorized by the Program Comment, the Commission has had the capacity to receive substantially more PTC pole applications than the railroads have submitted. Under the new review process, the Commission can accept applications for up to 1,400 poles from the major freight railroads every two weeks. As of January 23, 2015, the seven Class I freight railroads had submitted for review a total of 6,386 poles, out of a possible total of 25,200. This equates to approximately 25 percent of the Commission's processing capacity. As indicated in the charts below, the number of PTC submissions has been rising since the Program Comment took effect, and the Commission has the capacity to process even more.



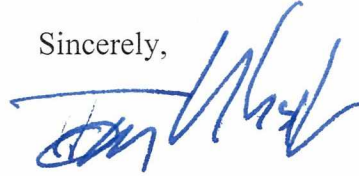
With respect to environmental review under NEPA, Commission staff is working directly with the railroads to ensure expeditious review and processing. Based on our experience to date, the vast majority of PTC poles fall within categorical exclusions under which they are not subject NEPA’s submission and review process.

We remain dedicated to helping the railroads comply with their statutory obligations and will continue to work with all stakeholders to facilitate the process to the extent possible.

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I appreciate your interest in this important matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", with a stylized flourish extending to the right.

Tom Wheeler